

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-574-MOC

JENNIFER L. PAYTON,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Unopposed Motion for Approval of Attorney's Fees under section 206(b) of the Social Security Act (the "Act"), 42 U.S.C. § 406(b), in the amount of \$38,843.25.

Attorney's fees under section 206(b) of the Act are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,400 (ECF No. 34).

The Court finds that the amount of attorney fees requested is reasonable. It is **ORDERED** that Plaintiff's counsel be awarded fees under section 206(b) of the Act, 42 U.S.C. § 406(b) in the amount of \$38,843.25, and refund to Plaintiff the smaller award between this amount and the EAJA award.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Approval of Attorney's Fees, (Doc. No. 36), is **GRANTED**.

Signed: May 6, 2022

